

Patent Art Unit: 3738
Examiner: Blanco, J.

Atty. Ref.: Kerr-5

Gp/3738

#12

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Andrew Kerr
Appl. No. : 09/900,241
Filed : July 6, 2001
For : AXIALLY-CONNECTED STENT/GRAFT ASSEMBLY

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TECHNOLOGY CENTER R3700

Assistant Commissioner for Patents
Washington, D.C. 20231

FOURTH INFORMATION DISCLOSURE STATEMENT

Sir:

This Information Disclosure Statement includes a copy of Form PTO-1449 that identifies one published International patent application. A copy of the identified publication is attached as well. The reference was first seen by the undersigned attorney of record on December 2, 2002 and was first seen by the applicant on December 3, 2002. Under these circumstances, it is believed that there are no government fees associated with this submission. However, the Examiner may charge our Deposit Acct. No. 03-1030 if it is determined that a government fee is necessary.

The reference shows a complex stent/graft assembly that may bear some relevance to the non-elected embodiment depicted in FIG. 14 of the subject application. In particular, the reference shows an assembly with a tubular graft 3, a first stent 5 and a

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second stent 7. The first stent 5 is joined to the first end of the tubular graft 3 by ring-shaped connecting members 9 so that an axial gap of about 3mm is defined between the first stent 5 and the graft 3. Similarly, the second end of the tubular graft 3 is joined to the second stent 7 by another set of ring-shaped connecting members 11 so that an axial gap of about 3mm exists between the tubular graft 3 and the second stent 7. The assembly in the reference further includes a plurality of connecting bars 12, each of which is made of a plurality of wires that are twisted with each other. Opposite ends of the connecting bars 12 then are connected to the respective first and second stents 5 and 7 by being twisted onto the first and second stents more than once (see paragraph bridging pages 6 and 7 of the reference). The connecting bars 12 are disposed on the exterior of the graft 3 (see last full paragraph on page 7 of the reference). The reference explains that the connecting bars 12 prevent the first stent 5 from moving towards the second stent 7.

The attached reference differs from the claimed invention in several respects.

First, the claims of the subject application specify an end-to-end connection between the stent and the graft. The terms "end-to-end connection" are defined in the specification and by their normal meaning as being an end-to-end abutment, or in certain instances a slight axial overlap. The reference, on the other hand, clearly and specifically teaches axial gaps between the tubular graft 3 and the stents 5 and 7, with ring-shaped connecting members 9 and 11 extending across the gap.

Second, the reference requires a plurality of the connecting bars 12, each of which is made from a plurality of twisted wires. The connecting bars 12 are disposed externally of the graft and are twisted into connection with the respective stents 5 and 7 to prevent the stents 5 and 7 from moving towards one another. This construction will

significantly complicate the insertion of the assembly through the blood vessel and into the targeted area of the circulatory system. These complications are attributable to the fixed and long length required by the reference and the larger cross sectional dimension attributable to the plurality of connecting bars 12 outside the graft 3. The Examiner may recall that the subject application (page 9, last line) specifically refers to a desirable "wind-sock" effect of the claimed invention as the stent/graft assembly of the claimed invention is inserted into the blood vessel.

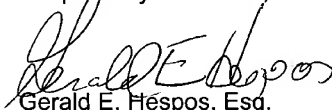
The application currently includes three independent claims. Independent claims 25 specifically requires "a substantially end-to-end connection between the graft and the stent." The term "end-to-end" is clearly defined in the application as being an axial abutment or an overlap. This "end-to-end" limitation of claim 25 is clearly inconsistent with the teaching of an axial gap in the attached reference.

Independent claim 26 clearly defines the connection between the stent and the graft as "consisting of said first axial end of said tubular graft, said second axial end of said stent and adhesive fixedly connecting said graft and said stent." The end-to-end axial connection and the claimed adhesive clearly are not suggested by the required axial gap and the connecting member between the stent and the graft shown in the reference. The "consisting of" terminology employed in claim 26 further precludes other elements at the connection, such as the required connecting bars 15 of the reference.

Independent claim 27 also requires the above described "end-to-end" connection and requires sutures for the end-to-end connection. Additionally, claim 27 employs the "consisting of" terminology that would preclude the required connecting bars 12 shown in the reference.

For the reasons stated above, it is believed that the claims, as previously amended, are patentably distinct from this newly cited reference. Accordingly, the claims presented in the Amendment of November 5, 2002 are believed to be in condition for allowance, and allowance is solicited. The Examiner is encouraged to contact applicant's attorney at the number below to expedite the prosecution.

Respectfully submitted,



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